



Current Practices in Enforcement of California Laws Regarding Youth Access to Tobacco Products and Exposure to Secondhand Smoke

California Department of Public Health
California Tobacco Control Program

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Introduction

Since the inception of the tobacco control program in California, the California Department of Public Health (CDPH), California Tobacco Control Program (CTCP), has identified reducing the illegal sale of tobacco to minors and reducing exposure to secondhand smoke (SHS) as high priorities. Strategies have been pursued at the state and local levels to stimulate adoption of state laws and local ordinances, conduct media advocacy and education to stimulate compliance, and train enforcement agencies to increase active enforcement of these laws. Several technical resources have been funded at varying points in time by CTCP to work with local jurisdictions on policy development and enforcement strategies.

Between 1996 and 2000, CTCP tracked the activities of local enforcement agencies as part of the Independent Evaluation (IE) of the California Tobacco Control Prevention and Education Program. The IE tracked activities and assessed outcomes in 18 “focal counties” selected to represent the entire state, and employed multiple data collection methods that were implemented in three waves (1996, 1998, and 2000). In late 2003, the Technical Assistance Legal Center (TALC) assumed the task of periodic assessment of local enforcement agency activities pertaining to illegal tobacco sales to minors and SHS through two survey waves (2004 and 2007). The 2004 and 2007 Technical Assistance Legal Center (TALC) law enforcement surveys represent an extension of the earlier IE survey efforts which were limited to enforcement agencies in the 18 IE focal counties. In contrast to the IE, the TALC law enforcement surveys were disseminated to all enforcement agencies responsible for enforcing these two categories of laws in California.

This report presents findings on the amount and type of enforcement of youth access to tobacco and SHS laws occurring throughout California in 2006 and early 2007, and compares these findings to the results of the 2004 statewide enforcement agency survey. In addition, trend analyses of data collected from enforcement agencies in the 18 counties that were the focus of the IE are also included to determine changes in enforcement activity since 1996.

Methods

Two separate written surveys were administered to enforcement agencies in California. One survey focused on the enforcement of state policies related to youth access to tobacco while the other survey focused on the enforcement of state and local policies related to exposure to tobacco smoke. Both survey instruments contained primarily closed-ended questions that asked about enforcement activities over the past 6 or 12 months. Areas queried in the surveys included: issue salience, perceived importance of agency enforcement, perceived compliance with policies, involvement in enforcement activities, perceived barriers to enforcement, collaboration with other agencies on enforcement efforts, and perceived effectiveness of enforcement policies and procedures.

The youth access enforcement survey was sent to all potential respondents during the final week of January 2007; and data collection was completed by the end of April 2007. The SHS enforcement survey was mailed to all potential respondents in mid-February 2007 with data collection completed by early May 2007. In addition to the first mailing of both surveys, agencies received up to two reminder postcards, a second survey, and reminder phone calls in order to maximize response rates. All surveys were written in English. Public Health Institute staff checked each returned survey for completeness and clarity prior to data entry. In some cases, phone calls and faxes to agencies were necessary to clarify responses. Following detailed review of each returned survey, 281 youth access enforcement surveys and 261 SHS enforcement surveys were electronically key-entered and verified by Data4U in Sunnyvale, CA. Analyses were conducted using SPSS 11.5 for Windows and SPSS 11.0 for Macintosh.

Youth Access Enforcement Survey

The youth access enforcement survey addressed the enforcement of Penal Code (PC) Section 308(a), prohibiting the sale of tobacco products to people less than 18 years of age, and PC Section 308(b), prohibiting anyone less than 18 years of age to buy or possess tobacco. All police and sheriff offices in all California counties and municipalities were initially targeted for the survey. Police and sheriff offices were obtained via an updated database of enforcement agencies. Surveys were mailed to 485 agencies (341 police departments, 103 sheriff offices or substations, and 41 city and county agencies (including 10 code enforcement departments)). In some jurisdictions surveys were sent to multiple agencies and/or individuals to ensure a response from the correct enforcement agency. After removing agencies stating that they were not responsible for enforcement or did not currently enforce, incorrect contacts at agencies, and duplicates where one agency was responsible for multiple jurisdictions, the total sampling pool was 392, out of which 297 agencies returned completed surveys, for a response rate of 76 percent. Of the 297 surveys received, 26 were removed from the analyses because they were submitted by an agency that was not the main enforcement agency, or because they were duplicates from the same agency. This resulted in a valid sample of 271 agencies. County-level data were obtained

from all 58 counties except Alpine, Del Norte, Glenn, Humboldt, Imperial, Kings, Lake, Lassen, Los Angeles, Merced, Modoc, Monterey, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Cruz, Solano, Stanislaus, and Ventura; however, information was received from at least one jurisdiction within each of these counties with the exception of Alpine.

Data from the 2007 statewide survey is from only one main agency per jurisdiction (municipality or county). The report contains results from the total sample of respondents in 2004 and 2007, and analyses of change between 2004 and 2007 in a subset of respondents with youth access data from both surveys. The report also contains data reported by enforcement agencies that are situated in the 18 focal counties of the 1996-2000 IE (referenced as the IE sample) and a subset of IE enforcement agencies for which we have five waves of youth access enforcement data.

Secondhand Smoke Enforcement Survey

The SHS enforcement survey focused on enforcement of Labor Code (LC) Section 6404.5 Smoke free Workplaces, LC Section 6404.5 Smoke-free Bars, and Government Code (GC) Section 7596-7598 that bans smoking proximal to entrances, exits, and operable windows, and also covered parking areas of city, county, and state government buildings. All police and sheriff offices in all California counties and municipalities were initially targeted for the survey. Police and sheriff offices were obtained via an updated database of enforcement agencies. Surveys were mailed to 468 agencies, 225 police departments, 65 sheriff offices or substations, 54 code enforcement agencies, and 124 miscellaneous city and county agencies including city attorneys, city managers, health departments, and fire departments. After removing agencies that replied they were not responsible for enforcement, incorrect contacts and duplicate agencies responsible for multiple jurisdictions, the total sampling pool was 403, out of which 259 agencies returned completed surveys, for a response rate of 64 percent. Of the 259 surveys received, 195 self-identified as primary enforcers for LC Section 6404.5, 169 self-identified as primary enforcers for GC Section 7596-7598, and 58 agencies shared enforcement responsibilities with the primary enforcers. Sixteen of 58 counties were not represented by main enforcement agency respondents: Alpine, Colusa, Contra Costa, Del Norte, El Dorado, Imperial, Inyo, Kern, Kings, Lake, Lassen, Mono, Santa Cruz, Sierra, Trinity, and Tulare.

Data presented from the 2007 statewide survey includes agencies charged with the enforcement of two selected California laws protecting people from exposure to SHS: LC Section 6404.5, which requires that smoking be prohibited in virtually all enclosed places of employment; and GC Section 7596-7598, which prohibits smoking within 20 feet of government building entrances, exits, and operable windows. Data reported in this section is for one primary agency per jurisdiction, and only for those agencies responsible for enforcement of LC Section 6404.5 or GC Section 7596-7598, as appropriate. 2007 SHS law enforcement results are compared with data from the statewide survey conducted in 2004, and this section discusses trends among the subset of enforcement agencies surveyed in 2007 that were also in the 18 focal counties of the 1996-2000 IE.

Findings

Enforcement of Youth Access Laws

Enforcement of PC Section 308(a)–

Sale of tobacco products to persons under 18 years of age

Statewide, a majority (74 percent) of youth access enforcement agencies reported issuing warnings to merchants selling tobacco products to minors in the year prior to the 2007 survey although only three percent reported that they issued warnings “very often.” No differences were found among urban, suburban, and rural counties as designated by local health departments on this variable. Among the 127 IE county enforcement agencies that provided valid responses in 2007, 74 percent had issued warnings to merchants in the previous 12 months with no significant differences detected within the panel of IE respondents with valid data across all survey waves (Cochran’s $Q = 4.15$, $p = 0.39$, $n = 32$).

Sixty-two percent of youth access enforcement agencies reported issuing citations to merchants in the prior 12 months; however, only four percent reported that they did so “very often.” There were no differences found among urban, suburban, and rural counties on this variable. The decline observed in citations issued to merchants (statewide) from 2004 to 2007 (66 percent to 64 percent) was statistically significant (Chi-square = 9.00, $p < 0.01$, $n = 118$) but no differences were detected across the five survey waves for the IE panel (Cochran’s $Q = 6.87$, $p = 0.14$, $n = 36$).

One-third (33 percent) of all agencies reported having issued at least one citation to persons giving or selling tobacco products to minors (not only merchants illegally selling tobacco products). This rate differed significantly across agencies in urban (34 percent), suburban (40 percent), or rural (24 percent) counties ($p = 0.01$).

Enforcement of PC Section 308(b) –

Purchase or possession of tobacco by anyone under 18 years of age

In 2007, 77 percent of youth access enforcement agencies statewide reported having issued warnings to minors in the previous 12 months; however, only five agencies (two percent) reported that they issued warnings “very often.” There were no differences across urban, suburban, and rural counties on this variable. No significant changes were detected statewide from 2004 to 2007 ($p = 0.17$) or across the five waves for the IE panel ($p = 0.76$).

In 2007, 90 percent of youth access enforcement agencies statewide reported having issued citations to minors in the previous 12 months, which was unchanged from 2004. Twenty-four percent of 249 agencies reported that they did so “often” or “very often.” There were no differences among urban, suburban, and rural counties on this variable ($p = 0.68$). In the 12 months prior to the 2007 survey, agencies across the state reported issuing an average of 24.1 citations to minors for possession of tobacco products. Among those agencies that issued at

least one citation, the average was 29.4 citations in the prior 12 months. Citation activity for agencies from urban (mean = 42.3 citations issued), suburban (mean = 28.8), or rural (mean = 16.3) counties differed significantly in the 2007 survey ($p = 0.01$). The agencies in the IE panel reported that citations to minors for PC Section 308(b) violations increased from 1996 to 1998, but have remained relatively flat since. Our five-wave analysis revealed a significant difference over time, but this was due to the low rate in 1996 ($p < 0.001$). No significant changes on this variable were detected statewide between 2004 and 2007 ($p = 0.17$).

Twenty-six percent of all youth access enforcement agencies statewide reported having conducted at least one decoy operation (also known as a sting or undercover buying attempt) in the 12 months prior to the 2007 survey. Among the agencies reporting data in both 2004 and 2007, there was a significant decline in decoy operations (Chi squared = 22.46, $p < 0.001$, $n = 161$). A similar significant decline was found among the sub-sample of IE-county agencies that responded to this item in all five waves of the youth access survey (Cochran's Q = 10.20, $p = 0.04$, $n = 57$).

Among the agencies that conducted at least one decoy operation in the previous year, an average of 64 percent of local tobacco outlets in the enforcement jurisdiction were included in one or more decoy operations. Most stores visited in decoy operations were chosen: 1) in response to complaints (27 percent); 2) selected at random (21 percent); or 3) as part of a census of all stores in the jurisdiction (18 percent). Among those conducting at least one decoy operation, agencies statewide conducted an average of 3.6 operations in the prior year, down from almost 11 operations per year reported in 2004. Agencies in urban, suburban, and rural counties conducted an average of 5.9, 3.7, and 1.5 operations, respectively, a significant overall difference ($p = 0.02$).

Predictors of Youth Access Enforcement

Data on the following factors were collected in the 2007 youth access survey to determine their influence on youth access enforcement: impact of the problem; relative importance of enforcement; barriers to enforcement; collaboration between enforcement and health groups; beliefs about the effectiveness of youth access laws; and funding for local enforcement. For each factor with multiple items (barriers to enforcement, perceived policy effectiveness, and collaboration) the mean of all items within that factor was calculated as a factor for use in multivariate analyses. In 2007, three of seven variables measured were found to be statistically significant independent predictors of whether decoy operations were conducted: perceptions of greater collaboration with other groups on enforcing youth access policies ($p < 0.01$), lower perceived barriers to enforcement ($p < 0.01$), and receipt of any funding for local enforcement ($p < 0.01$). This model explained 47 percent of the variance in whether decoy operations were conducted in the previous 12 months. This is an improvement over the 38 percent explained by the 2004 model, which also included an enforcement training variable that was excluded from the 2007 survey due to an end to the PC Section 308(a) statewide training program.

Enforcement in Jurisdictions with Strong Retail Tobacco Ordinances

In recent years, CTCF has encouraged the passage of strong local licensing ordinances in an effort to drive down rates of illegal sales to minors.¹ To evaluate the impact of strong local licensing ordinances on enforcement, ten agencies situated in jurisdictions with strong ordinances that were in effect as of January 1, 2006 were identified. Agencies in jurisdictions with strong ordinances reported conducting significantly more decoy operations over the prior 12 months (mean = 80 percent) than did agencies in jurisdictions without strong ordinances (mean = 24 percent) ($p < 0.001$). Agencies in jurisdictions with strong ordinances also perceived fewer barriers to enforcement compared to agencies in jurisdictions without strong ordinances (mean = 2.7 and 3.4, respectively; $p = 0.09$), and they reported greater collaboration with other community groups (mean = 3.0 and 2.2, respectively; $p = 0.07$). Although the latter two differences were not statistically significant, they are promising, particularly in light of the extreme imbalance in group size (10 agencies in the strong ordinance group versus 261 agencies with no or weak ordinances).

Enforcement of Secondhand Smoke Laws

Enforcement of LC Section 6404.5 — Smoke-free Workplaces (Excluding Bars)

In the 12 months prior to completion of the 2007 survey, half of the enforcement agencies conducted compliance checks and responded to inquiries and complaints (49 percent and 51 percent respectively) to enforce LC Section 6404.5 provisions governing restaurants and other indoor workplaces. Nearly half (44 percent) also educated owners and others about LC Section 6404.5. Relatively few agencies issued fines (9 percent) or citations (11 percent) in response to violations. Almost two-thirds of agencies statewide (61 percent) reported conducting at least one SHS enforcement activity during the year prior to survey completion. Compared to agencies in urban and suburban counties, significantly fewer rural-county agencies reported that they had issued any warnings for violations of LC Section 6404.5 ($p = 0.03$).

Among the agencies in the statewide sample that completed both the 2004 and 2007 surveys there was a significant decline in the percent of agencies reporting that they had responded to workplace SHS inquiries (Chi-square = 23.73, $p < 0.001$, $n = 108$). A significant decline was also found among the sub-sample of IE-county agencies that had responded to this item in all five waves of the SHS survey (Cochran's $Q = 20.55$, $p < 0.001$, $n = 35$).

Significant declines were also seen statewide from 2004 to 2007 in the percent of agencies reporting that they responded to complaints (Chi-square = 26.22, $p < 0.001$, $n = 114$), issued

¹ As defined by the Center for Tobacco Policy and Organizing (<http://www.californialung.org/thecenter/>), a strong local tobacco licensing law includes: all retailers that sell tobacco products must obtain a license and renew it annually; a fee to sufficiently fund an effective program including administration and enforcement; an enforcement plan; coordination of tobacco regulations so that a violation of any existing local, state, or federal tobacco regulation violates the license; and a financial deterrent through fines and penalties including the suspension and revocation of the license.

warnings (Chi-square = 7.62, $p = 0.006$, $n = 112$), issued citations (Chi square = 18.44, $p < 0.001$, $n = 105$), and conducted compliance checks (Chi square = 25.11, $p < 0.001$, $n = 113$). Similarly, the IE panel also showed some differences in the percent of agencies reporting that they had responded to complaints (Cochran's $Q = 14.57$, $p = 0.006$, $n = 39$), and issued warnings (Cochran's $Q = 16.36$, $p = 0.003$, $n = 36$). However, there were no differences in the percent of agencies on the IE panel issuing citations (Cochran's $Q = 3.55$, $p = 0.47$, $n = 37$) or conducting compliance checks (Cochran's $Q = 3.79$, $p = 0.44$, $n = 36$).

It should be noted that the relatively large differences in trend and cross-sectional values within the IE sample on several of the enforcement variables suggests that agencies that were consistent respondents across the five survey waves were more actively engaged in certain SHS enforcement actions than were those agencies that did not consistently respond to all waves of the survey. Thus, the IE panel data should not be used to estimate statewide levels of enforcement, only to demonstrate a continuing downward trend in SHS enforcement actions, even among those agencies most engaged in SHS enforcement.

Predictors of Enforcement of LC Section 6404.5 – Smoke-free Workplaces (Excluding Bars)

Data on the following factors was collected in the 2007 SHS survey to determine their influence on enforcement of the two selected SHS laws, including: relative seriousness of SHS as a community problem, relative importance of enforcement of SHS laws, perceived compliance with SHS laws, beliefs about the barriers to conducting enforcement operations of SHS laws; beliefs about the barriers to achieving compliance with LC Section 6404.5, and the extent of enforcement agency collaboration with other groups on enforcing SHS laws. For each factor with multiple items (barriers to enforcement, barriers to compliance, and collaboration) the mean of all items within that factor was calculated as a factor for use in multivariate analyses.

Multivariate analyses examined the degree to which the six variables/factors above were independent predictors of three different dependent variables: whether agencies engaged in any type of workplace SHS enforcement activity in the prior year, whether agencies engaged in any high-level SHS enforcement activity in the prior year, and whether agencies conducted any compliance checks during the prior year. Logistic regression analyses used data from 138 agencies statewide. Only one variable measured was shown to be a statistically significant independent predictor of whether compliance checks were conducted in the prior year: greater relative importance of enforcement of laws that prohibit smoking in indoor public areas such as restaurants and workplaces ($p = 0.02$). This model, however, explained only 11 percent of the variance in whether SHS compliance checks were conducted in the prior year.

Enforcement of LC Section 6404.5 – Smoke-free Bar Provision

In the 12 months prior to completion of the 2007 survey, roughly half (or more than half) of surveyed enforcement agencies conducted compliance checks (69 percent of responding agencies statewide), educated bar owners (55 percent), responded to complaints (53 percent), responded to inquiries (51 percent), and educated others about the law (49 percent). Many agencies issued warnings (42 percent), but few agencies issued citations (23 percent) or fines (14 percent) in response to violations detected. Most agencies statewide reported conducting at least one bar SHS enforcement activity during the previous six months (70 percent), which did not differ significantly among agencies located in urban (76 percent), suburban (60 percent), or rural (71 percent) counties ($p = 0.12$). Statewide, agencies reported a higher level of any enforcement activities for the smoke-free bar provision (mean = 2.13 on a 7-point scale) than for the workplace (non-bar) provision of the law (mean = 1.87) (paired t -test = 4.80, $df = 160$, $p < 0.001$). Also, a significantly higher percentage of agencies reported issuing citations for violations of the smoke-free bar provision (21 percent) than for the workplace provision of the law (11 percent) ($p = 0.001$).

Among the 146 agencies stating that they were responsible for issuing smoke-free bar citations, only eight percent reported having issued at least one citation for a restaurant/bar violation in the previous six months. The average number of citations issued by these 11 agencies was 4.6 ($SD = 3.4$), with most citations prosecuted (mean = 3.9, $SD = 3.8$). There were no significant differences found among urban, suburban, or rural agencies. Only ten percent of agencies reported that they had issued any smoke-free bar citations for violations in stand-alone bars during the previous six months. The average number of citations issued by these 14 agencies was 4.64 ($SD = 4.2$), with no significant differences among urban, suburban, or rural agencies. Again, most stand alone bar citations issued were prosecuted (mean = 3.4, $SD = 3.5$). Among all agencies reporting that they issued any citations for violation of the smoke-free bar provision, a mean of seven percent of citations were issued to patrons and a mean of three percent were issued to bar owners or employees with no statistically significant differences across agencies in urban, suburban, or rural counties. Among the same group, only three percent reported having issued at least one citation for a hookah bar or lounge violation in the previous six months. The average number of citations issued by these five agencies was 5.6 ($SD = 3.4$), and three of these agencies prosecuted all eight cited hookah bars.

Five questions were used to determine specific smoke-free bar enforcement activities reported by respondents to the 2004 and 2007 statewide SHS surveys and for the two IE surveys (1998 and 2000) in which this data was collected: 1) respond to inquiries, 2) respond to complaints, 3) issue warnings, 4) issue citations, and 5) conduct compliance checks. Significant declines were seen statewide from 2004 to 2007 in the percent of agencies reporting that they had: responded to inquiries (Chi-square = 17.50, $p < 0.001$, $n = 95$), responded to complaints (Chi-square = 22.48, $p < 0.001$, $n = 101$), issued warnings (Chi-square = 16.15, $p < 0.001$, $n = 94$), issued citations (Chi-square = 20.96, $p < 0.001$, $n = 92$), and conducted compliance checks (Chi

square= 18.18, $p < 0.001$, $n = 105$). In contrast, the IE panel only showed significant differences across the 1998-2007 surveys in the percent of agencies reporting that they had responded to inquiries (Cochran's $Q = 11.00$ $p = 0.01$, $n = 37$).

Predictors of Enforcement of LC Section 6404.5 – Smoke-free Bar Provision

Most of the factors used as predictors of local enforcement of smoke-free bar laws were the same as those used to predict enforcement of the non-bar provisions of LC Section 6404.5: relative seriousness of SHS as a community problem, beliefs about the barriers to conducting enforcement operations of SHS laws, beliefs about the barriers to achieving compliance with SHS laws, and the extent of enforcement agency collaboration with other groups on enforcing SHS laws. Each of these factors was described above as predictive of enforcement of the non-bar provisions of LC Section 6404.5. In addition to these items, we asked about two specific predictors of smoke free bar enforcement, relative importance of enforcement of smoke-free bar laws; and perceived compliance with smoke-free bar laws. Multivariate analyses of smoke-free bar enforcement data looked at the degree to which the above six variables/factors were independent predictors of three different dependent variables: whether agencies engaged in any type of smoke-free bar enforcement activity in the previous six months, whether agencies engaged in any high-level SHS enforcement activity in the previous six months (any enforcement activity except educating bar owners or educating others), and whether agencies conducted any compliance checks in bars during the previous six months. Logistic regression analyses used data from 138 agencies statewide. Only one factor, “greater relative importance of enforcement of SHS laws in bars” ($p < 0.03$) was found to be a statistically significant independent predictor of whether compliance checks were conducted in the previous six months. This model explained only nine percent of the variance in whether compliance checks were conducted in bars during the previous six months.

Enforcement of GC Section 7596-7598 – Smoke-free Doorway and Window Areas

GC Section 7596-7598 (Assembly Bill 846) went into effect January 1, 2004, banning smoking near entrances, exits, and covered parking lots and operable windows of municipal, county, regional, state buildings, and buildings of the University of California, California State University, and community colleges. About half of all agencies statewide (47 percent) reported conducting any GC Section 7596-7598-related enforcement activities in the year prior to the 2007 survey. The activity rate did not differ at all among agencies located in LLA-designated urban, suburban, or rural counties.

About one-third of local agencies reported specific enforcement activities related to GC Section 7596-7598 during the previous year: conducting compliance checks (42 percent of responding agencies statewide), responding to complaints (38 percent) and inquiries (37 percent), issuing warnings (30 percent), and educating other agencies about the law (25 percent). No differences were observed among agencies located in urban, suburban, or rural counties. Among the agencies stating that they issued any GC Section 7596-7598 citations in the prior year, the

average number of citations issued was 6.33 (SD = 2.88), and all of these were prosecuted. There were no significant differences among urban, suburban, or rural agencies on reported GC Section 7596-7598 citations or prosecutions.

Predictors of Enforcement of GC Section 7596-7598 – Smoke-free Doorway and Window Areas

Various factors that could possibly be predictors of local enforcement activities related to GC Section 7596-7598 were analyzed, including: relative seriousness of smoking near entrances, exists, covered parking lots, and operable windows as a community problem, relative importance of enforcement of these laws, perceived compliance with these laws, beliefs about the barriers to conducting enforcement operations of these laws, beliefs about the barriers to achieving compliance with these laws, and the extent of enforcement agency collaboration with other groups on enforcing GC Section 7596-7598. Because GC Section 7596-7598 is a relatively new set of laws, multivariate analysis focused on whether agencies engaged in any type of law enforcement activity regarding smoking proximal to entrances, exits, and windows in the prior year. For each factor with multiple items (barriers to enforcement, barriers to compliance, and collaboration) the mean of all items within that factor was calculated as a factor for use in multivariate analyses. Logistic regression analyses using data from 138 agencies statewide found that only one variable measured was a statistically significant independent predictor of whether any GC Section 7596-7598 law enforcement activities were conducted during the prior year: more frequent collaboration with other groups on enforcing GC Section 7596-7598 ($p = 0.01$). This model explained only 16 percent of the variance in whether any GC Section 7596-7598 law enforcement activities were conducted during the prior year.

Conclusions

Youth Access Enforcement Survey

Enforcement of PC Section 308(a) and PC Section 308(b)

- The youth access enforcement survey results indicated that enforcement agency actions have continued to decline since 1998. Statewide, about one-quarter of enforcement agencies conducted youth decoy operations in 2007, down significantly from about 30 percent in 2004.
- Less than five percent of enforcement agencies reported that warnings and citations were issued to merchants “often” or “very often.” This decrease may be related to the dramatic drop in the average number of youth decoy operations from almost 11 operations per year reported in 2004 down to 3.6 per year in 2007.
- From 2004 to 2007, there was a slight drop in the proportion of law enforcement agencies reporting that they issued warnings to minors possessing tobacco products. But those issuing citations remained the same. There were no significant changes in these types of activities since the 2004 survey.
- Law enforcement agencies continued to rank various policies and procedures such as suspension/revocation of licenses and civil and criminal penalties for owners and clerks, as effective strategies to reduce youth access to tobacco.
- In 2007, significant predictors of whether decoy operations were conducted were: perceptions of greater collaboration with other agencies, lower perceived barriers to enforcement, and receipt of funding. These findings confirm the importance of providing ongoing support for local law enforcement agencies.
- Agencies operating in jurisdictions with strong local retail licensing ordinances reported conducting four times as many decoy operations over the prior 12 months than did agencies in jurisdictions without strong ordinances, underscoring the value of local policy actions.
- The continuing reduction in the percent of agencies actively enforcing PC 308(a) was disappointing, given that CTCF has continued to expend resources to stimulate enforcement through trainings and technical assistance to law enforcement agencies.
- Law enforcement agencies’ perspectives on various policies and procedures as effective strategies to reduce youth access to tobacco may be useful to local programs attempting to strengthen youth access laws in their communities, and may represent an opportunity for collaboration with their local law enforcement agencies on these efforts.

Secondhand Smoke Enforcement Survey

Enforcement of LC Section 6404.5 – Smoke-free Workplaces (Excluding Bars)

- Almost two-thirds of enforcement agencies throughout California reported conducting at least one workplace-related SHS enforcement activity in the year prior to the 2007 statewide SHS survey.
- In 2007, about half the agencies reported that they responded to inquiries and complaints and conducted compliance checks, but relatively few agencies issued fines or citations. Agencies in rural counties reported issuing significantly fewer warnings for violations of LC Section 6404.5 than did agencies in urban and suburban counties.
- Among the agencies that completed both the 2004 and 2007 statewide SHS surveys, there was a significant decline in the percent reporting involvement in all types of SHS workplace enforcement actions. Agencies in the IE sub-sample from 1996 to 2007 showed similar declines in nearly every enforcement action across the five survey waves.
- Most enforcement agencies perceived that the rate of compliance with workplace SHS laws was high, and few believed that the workplace SHS problem was very serious in their community.
- Agency ratings regarding the importance of enforcement of SHS laws relative to other laws was the only independent predictor of whether any SHS compliance checks were conducted in the prior year. Unfortunately, agencies rated enforcement of laws that prohibit smoking in indoor public areas as being only moderately important.
- Significant declines were seen statewide from 2004 to 2007 in the percent of agencies reporting collaboration with businesses, voluntary health organizations, and educational organizations on SHS workplace law enforcement.
- As in 2004, salient barriers to enforcement of SHS laws were limited agency staff and insufficient budget.

Enforcement of LC Section 6404.5 — Smoke-free Bar Provision

- Levels of enforcement of the smoke-free bar provision were higher than for other workplace provisions included in LC Section 6404.5. Almost three-quarters of the responding agencies in 2007 conducted at least one bar-related SHS enforcement activity during the previous six months, about the same as in 2004.
- Half or more of all agencies reported that they responded to inquiries and complaints, down from 2004, and about the same percentage educated bar owners and others about the law. Over two-thirds of all agencies reported conducting compliance checks, but fewer than half reported issuing warnings, and fewer than one-quarter of all agencies issued citations or fines for violation of the smoke-free bar provision, all down from 2004.
- Significant declines were seen statewide from 2004 to 2007 regarding the percent of agencies reporting that they had responded to inquiries, responded to complaints, conducted compliance checks, issued warnings, and issued citations related to SHS laws in bars.
- Only one variable was found to be an independent predictor of whether SHS compliance checks were conducted in bars during the previous six months: greater relative importance of enforcement of SHS laws in bars. Nevertheless, compared to other laws enforced by respondent agencies, enforcement of laws that prohibit smoking in bars specifically was rated by agencies as being only moderately important, down from the rating level reported in 2004.
- Among all agencies reporting that they issued any citations for violation of the LC Section 6404.5 smoke-free bar provision, only three percent reported having issued at least one citation for a hookah bar or lounge violation in the previous six months.

Enforcement of GC Section 7596-7598 – Smoke-free Doorway and Window Areas

- The levels of enforcement activities related to GC Section 7596-7598 were lower than for either of the smoke-free workplace provisions of LC Section 6404. Statewide, roughly half of the responding agencies reported conducting any enforcement activities related to this law. Fewer than half conducted compliance checks related to this law, more than one-third responded to inquiries and complaints, and fewer than one-third issued warnings. Very few agencies issued citations or fines for violations of the law.
- Most of the agencies believed that this issue was less serious than other community problems, and that there was fairly good compliance in their jurisdiction.
- Perceived barriers to enforcing smoke-free doorways and windows provisions, such as limited staff and insufficient funding, ranked at about the same level as the perceived barriers to enforcing smoke-free workplace laws.
- The only significant predictor of whether an agency conducted any enforcement activity regarding GC Section 7596-7598 was the level of collaboration with other community groups and agencies.
- Enforcement agencies perceived high rates of compliance in their communities with the three SHS laws that were addressed in the survey. There was, however, variability in enforcement of SHS laws at the local level.
- The findings point to the important roles that Local Health Departments and their partners can play in educating both their communities and enforcement agencies about reducing exposure to SHS through law enforcement, and in facilitating collaboration with SHS enforcement agencies.